

98TH CONGRESS
2ND SESSION

HOUSE OF REPRESENTATIVES

10 MAY 1984

(a) You have a REPORT
separate copy
98-RESOLUTION OF INQUIRY WITH RESPECT TO UNITED STATES MILITARY
INVOLVEMENT IN HOSTILITIES IN CENTRAL AMERICA

May 10, 1984.--Ordered to be printed

Mr. BOLAND, from the Permanent Select Committee on Intelligence
submitted the following

ADVERSE REPORT

[To accompany H. Res. 484 which on April 10, 1984, was referred jointly to
the Committee on Foreign Affairs and Permanent Select Committee on
Intelligence]

The Permanent Select Committee on Intelligence, to whom was referred the resolution (H. Res. 484) directing the President to furnish certain information to the House of Representatives concerning United States military involvement in hostilities in Central America, having considered the same, report unfavorably thereon and recommend that the resolution do not pass.

SUMMARY OF THE RESOLUTION

The resolution would require the President to provide the House with any documents detailing:

Executive Registry
34,117

-2-

- (1) U.S. intelligence-gathering missions over El Salvador during the period from August 1, 1983 through April 10, 1984;
- (2) Intelligence gathered by U.S. armed forces and provided to the armed forces of El Salvador, Honduras, or Guatemala during the period from August 1, 1983 through April 10, 1984;
- (3) Actual or proposed involvement by U.S. military or civilian agencies in combat missions in El Salvador or Honduras during the period from August 1, 1983 through April 10, 1984;
- (4) Possible involvement by U.S. armed forces in combat in Central America;
- (5) The border between Honduras and El Salvador, how close U.S. armed forces in Honduras may approach the border, and the number of times U.S. armed forces crossed the border during the period from August 1, 1983 through April 10, 1984;
- (6) Whether U.S. armed forces in Honduras deployed into El Salvador or Nicaragua, except for transportation into or out of Honduras, during the period from August 1, 1983 through April 10, 1984;
- (7) The purpose of Emergency Deployment Readiness Exercises on the Honduras-El Salvador border, the effects of these exercises on the conflict within El Salvador, and whether U.S. forces involved in the exercises will be armed;
- (8) Whether U.S. armed forces in El Salvador or Honduras came into contact with forces hostile to the governments of those countries during the period from August 1, 1983 through April 10, 1984;

36,118

-3-

(9) Whether U.S. armed forces in El Salvador or Honduras were subject to hostile fire, or were accompanying armed forces of El Salvador who were subject to hostile fire, during the period from August 1, 1983 through April 10, 1984;

(10) Whether U.S. armed forces transported elements of the Honduran or Salvadoran armed forces in operations against insurgents, including operations of the Honduran armed forces in September 1983, during the period from August 1, 1983 through April 10, 1984;

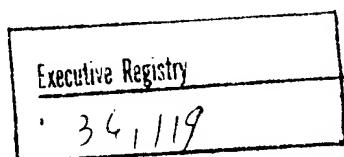
(11) Whether U.S. armed forces came into contact with forces engaged in hostile action against the Government of Nicaragua, during the period from August 1, 1983 through April 10, 1984; and

(12) Whether U.S. Government personnel or contract personnel, or U.S. Government vessels or vessels operated by U.S. Government personnel or contract personnel participated in the mining of Nicaraguan waters.

COMMITTEE CONSIDERATION

House Resolution 484 was introduced on April 10, 1984 by Mr. Markey. The resolution was referred jointly to the Committee on Foreign Affairs and to the Permanent Select Committee on Intelligence.

On April 13, 1984, the chairman of the committee wrote to the President requesting information responding to the resolution. On April 27, 1984, the Honorable W. Tapley Bennett, Jr., Assistant Secretary of State for Legislative and Intergovernmental Affairs, replying for the administration, stated that:



-4-

"With respect to intelligence activities, the Central Intelligence Agency has supplied detailed information to the Permanent Select Committee on Intelligence and would be happy to respond promptly to any requests by that Committee for supplementary information.

"As you know, since 1976 the degree to which intelligence-related information is shared with other committees of the House is under the control of the Permanent Select Committee on Intelligence.

"We continue to doubt the wisdom of periodic Resolutions of Inquiry as a substitute for the ongoing cooperation which we and the cognizant Committees of Congress have maintained, or for the carefully structured intelligence oversight process. Meeting congressional information needs under the current arrangements, both statutory and informal, is preferable to passage of individual resolutions concerning the furnishing of sensitive information. House Resolution 484, therefore, would appear to be both unnecessary and potentially disruptive of established and mutually beneficial systems of information sharing.

"This Resolution also raises fundamental constitutional questions about the authority of the Congress to compel the President to disclose intelligence and operational military matters which may be highly sensitive to U.S. national security. Thus, it is the view of the Administration that House Resolution 484 should not be adopted."

The statutory scheme for providing information to Congress concerning intelligence activities is found in section 501 of the National Security Act of 1947 (50 U.S.C. 413) and in section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422). These statutes require that all U.S. intelligence activities be reported to the intelligence committees of the House and Senate. These statutory provisions provide the intelligence committees with authority for comprehensive oversight of all intelligence collection, analysis and reporting activities as well as all covert action operations - that is, covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association. The intelligence oversight statutes do not affect the jurisdiction of other House committees, including the Committees on Armed

36/120

-5-

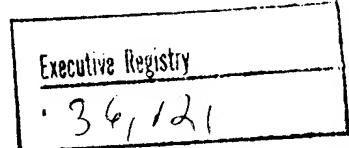
Services and Foreign Affairs, but briefings on covert action operations required by these laws are given only to the two intelligence committees.

In addition to its request to the President, the committee directed its staff to make separate requests for intelligence information responsive to the resolution of inquiry. The committee received separate responses from the Central Intelligence Agency, the Office of the Secretary of Defense, the Defense Intelligence Agency, and the National Security Agency on April 18, April 30, May 1 and May 2 respectively.

The committee met on May 10, 1984, to consider the resolution. During its consideration the committee reviewed the responses referred to above. Based on this review, the Committee's prior and ongoing reviews of U.S. intelligence activities in Central America, and upon the answers to specific queries directed to the intelligence community, the committee is of the opinion that the intelligence community responses substantially comply with the committee's request of April 13. The committee's judgment applies only to those matters referred to in the resolution of inquiry that fall within the jurisdiction of the committee - i.e., intelligence collection, analysis and dissemination, and covert action.

In the past several years, the committee has devoted a considerable amount of attention - in both budgetary and oversight reviews - to intelligence collection and covert action in Central America. The information provided to the committee by intelligence agencies in response to the specific intelligence questions raised by the resolution was consistent with, and duplicative of, information already in the possession of the committee.

..



-6-

The committee has concluded that no further public disclosure of these matters is appropriate at this time. Such information is available to Members of the House pursuant to House Rule XLVIII and the rules of the Committee. Accordingly, the committee recommends disapproval of House Resolution 484.

COMMITTEE POSITION

On May ¹⁰, 1984, the Permanent Select Committee on Intelligence, a quorum being present, disapproved House Resolution 484 and ordered it unfavorably reported by voice vote.

OVERSIGHT FINDINGS

With respect to clause 2(1)(3)(A) of Rules XI of the House of Representatives, the committee's findings and recommendations concerning H. Res. 484 are contained in the body of this report.

FISCAL YEAR COST PROJECTIONS

With respect to clause 2(1)(3)(B) of Rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this resolution does not provide new budget authority or tax expenditures.

36122

-7-

CONGRESSIONAL BUDGET OFFICE ESTIMATE

With respect to clause 2(1)(3)(C) of Rule XI of the House of Representatives, the committee has received no report from the Congressional Budget Office.

123

